

Remarks

This application was filed to pursue non-elected subject matter that was subject to a restriction requirement during prosecution of the parent application, U.S. Patent Application Serial No. 09/708,352. See the Office Action dated August 24, 2001, where claims 13-17 and 20, directed to methods of immunizing cattle against disease caused by *Mycoplasma bovis* (Group II) were subject to restriction. The Applicants subsequently chose to prosecute the claims of Group I. This Preliminary Amendment presents a new set of claims directed to subject matter of Group II.

New claims 21-57 are supported in the specification as follows:

New claim 21

Support is found in the specification at page 18, line 24 to page 20, line 17 and at page 20, line 20 to page 21, line 25 (see in particular page 21, lines 11-12).

New claim 22

Support is found in the specification at page 18, line 24 to page 19, line 31.

New claim 23

Support is found in the specification at page 23, lines 1-2.

New claim 24

Support is found in the specification at page 8, lines 7-8.

New claim 25

Support is found in the specification at page 8, lines 16-26 and page 11, lines 3-4. A water-oil-water emulsion is disclosed at Example 2, part D (“Adjuvanting and Formulation of Vaccine”), page 17, lines 17-19, where in step 7 it is disclosed that an oil adjuvant is

added to the inactivated *M. bovis* so as to produce a vaccine with 4% to 12% oil. One skilled in the art would understand that such a low amount of oil in the vaccine would not be enough to completely surround the aqueous phase of the vaccine and thus one skilled in the art would understand this passage to be a disclosure of an water-oil-water emulsion.

New claim 26

Support is found in the specification at page 10, line 22.

New claim 27

Support is found in the specification at page 9, lines 3-4.

New claim 28

Support is found in the specification at page 9, lines 4-6.

New claim 29

Support is found in the specification at page 4, lines 10-19.

New claim 30

Support is found in the specification at page 4, lines 13-17.

New claim 31

Support is found in the specification at page 4, lines 17-19 and page 16, lines 22-28.

New claim 32

Support is found in the specification at page 5, lines 23-25 and page 9, lines 1-2.

New claim 33

Support is found in the specification at page 5, lines 22-23.

New claim 34

Support is found in the specification at page 7, lines 12-13.

New claim 35

Support is found in the specification at page 10, line 5 and page 10, line 8.

New claim 36

Support is found in the specification at page 10, line 12.

New claim 37

Support is found in the specification at page 10, line 17.

New claim 38

Support is found in the specification at page 9, lines 20-22.

New claim 39

Support is found in the specification at page 5, lines 25-27.

New claim 40

Support is found in the specification at page 7, line 31.

New claim 41

Support is found in the specification at page 8, lines 1-5.

New claim 42

Support is found in the specification at page 5, lines 12-13, Figures 1 and 2.

New claim 43

Support is found in the specification at page 12, lines 6-28; Figures 1 and 2; and page 5, line 13.

New claim 44

Support is found in the specification at page 12, line 4 to page 14, line 13.

New claim 45

Support is found in the specification at page 12, line 10.

New claim 46

Support is found in the specification at page 12, lines 13-14.

New claim 47

Support is found in the specification at page 12, lines 15-28; and Figures 1 and 2

New claim 48

Support is found in the specification at page 7, lines 2-4.

New claim 49

Support is found in the specification at page 10, lines 23-27.

New claim 50

Support is found in the specification at page 7, lines 4-7.

New claim 51

Support is found in the specification at page 7, lines 4-7.

New claim 52

Support is found in the specification at page 9, line 31 to page 10, line 1.

New claim 53

Support is found in the specification at page 14, lines 21-31; page 15, line 20 to page 16, line 19; page 18, line 24 to page 19, line 15.

New claim 54

Support is found in the specification at page 14, lines 21-31.

New claim 55

Support is found in the specification at page 5, lines 12-13; and Figures 1 and 2.

New claim 56

Support is found in the specification at page 12, lines 6-28; Figures 1 and 2; and page 5, line 13; Figures 1 and 2.

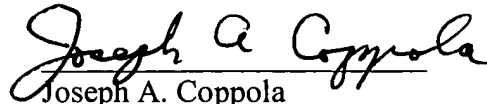
New claim 57

Support is found in the specification at page 12, line 4 to page 14, line 13; Figures 1 and 2.

The Applicants hereby make a Conditional Petition for any relief available to correct any defect seen in connection with this filing, or any defect seen to be remaining in this application after this filing. The Commissioner is authorized to charge Kenyon & Kenyon's Deposit Account No. 11-0600 for the Petition fee and any other fees required to effect this Conditional Petition.

Dated: DEC. 1, 2003

Respectfully submitted,



Joseph A. Coppola

Reg. No. 38,413

KENYON & KENYON

One Broadway

New York, NY 10004

Tel.: (212) 452-7200

Fax: (212) 452-5288